



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,790	08/17/2003	Chien-Kuo Kuan	17389.238	1789
22913	7590	05/14/2008		
WORKMAN NYDEGGER 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			EXAMINER LEE, CHEUKFAN	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 05/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/604,790	Applicant(s) KUAN ET AL.	
	Examiner Cheukfan Lee	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 7-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-12, 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 13, 15, 17, 20, 22-26, 28 and 30-33 is/are rejected.
- 7) ☒ Claim(s) 14, 16, 21, 27, 29 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2625

1. Claims 7-34 are pending. Claims 18-34 are newly added. Claims 7, 13, 18, 20, 24, and 20 are independent.

2. The indicated allowability of claims 13, 15 and 17 is withdrawn. Rejection(s) follow.

3. Claim 21 is objected because of the following:

Claim 21 recites "wherein the first input is a start button and wherein the second input is a control button". This language does not flow well technically when referring to the basis language "receiving a user input from a user" of claim 20 because it sounds like "receiving a start button from a user" and "receiving a control button from a user". Correction is required.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 13, 15, 17, 20, 22-24, 28, 30, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Hu et al. (U.S. Patent No. 6,104,510).

Regarding claim 13, Hu et al. discloses a product (Figs. 1-3A, col. 4, line 5 – col. 6, line 62) comprising a scanning device (scanner 100) comprising a first light source

Art Unit: 2625

(blue cold cathode fluorescent lamp 314, hereinafter CCFL 314) for generating light, a second light source (green LED 312) for generating light, a photosensor (image sensor 304, which is a CCD or a CMOS) for detecting light generated by the first light source (CCFL 314) and the second light source (green LED 312) and then by way of a document, and an inherent controller for controlling the operations of the scanning device (100). The product further comprises an inherent operations pad or panel connected to the controller, the pad or panel inherently having a control button (a start button), wherein when the control button is triggered (to activate the monochrome scanning mode), the controller causes only the second light source (green LED 312) to be enabled to scan the document (col. 6, lines 60-62). It is inherent in Hu et al. that a warm-up time period of the first light source (CCFL) is inherently longer than a warm-up time period of the second light source (green LED 312) (col. 4, lines 35-36 and col. 6, lines 60-62 for monochrome mode, and col. 4, lines 50-51 and col. 6, lines 18-59 for color mode).

With regard to the preamble of the claim, a multi-function product is just intended use and is not given patentable weight.

Regarding claim 15, the first light source (CCFL 314) is a cold cathode fluorescent lamp (314).

Regarding claim 17, the photosensor (image sensor 304) is a CCD (col. 5, lines 37-40).

Regarding claim 20, Hu et al. is discussed above for claim 13. Hu et al. discloses a method of scanning a document with a scanning device (100) (Figs. 1-3A, col. 4, line 5 – col. 6, line 62), the scanning device comprising a first light source (blue cold cathode fluorescent lamp 314, hereinafter CCFL 314), for generating light, and a photosensor (image sensor 304) for detecting light generated by the first light source (CCFL 314) and reflected by the document, the method comprising providing a second light source (green LED 312), receiving a user input from a user (input for a reading mode), if the input is a first input (color mode), enabling both the first light source (CCFL 314) and the second light source (green LED 312), and if the input is a second input (monochrome mode), enabling only the second light source (green LED 312) and performing a scan using the second light source (green LED 312) (note col. 6, lines 60-62 for monochrome mode, and lines 18-59 for color mode).

Regarding claims 22 and 23, the first light source (blue CCFL 314) is a cold cathode fluorescent lamp and the second light source (green LED 312) is an LED.

Regarding claim 24, Hu et al. is discussed above for claims 13 and 20. Hue et al. discloses a scanning device (100) (Figs. 1-3A, col. 4, line 5 - col. 6, line 62) comprising a first light source (blue cold cathode fluorescent lamp 314, hereinafter CCFL 314) for generating light, a second light source (green LED 312) for generating light, a photosensor (image sensor 304) for detecting light generated by the first light

source (CCFL 314) and the second light source (green LED 312) and reflected by a document, an inherent controller for controlling the operations of the scanning device (100), a first button (start button) inherently coupled to the inherent controller, wherein the controller is configured to cause only the second light source (green LED 312) to be enabled to scan the document when the first button (start button) is triggered, and wherein a warm-up time period of the first light source (CCFL 314) is inherently longer than a warm-up time period of the second light source (green LED 312).

Regarding claim 28, the first light source (blue CCFL 314) is a cold cathode fluorescent lamp.

Regarding claim 30, Hu et al. is discussed above for claims 13, 20 and 24. Hu et al. discloses a scanning system (Figs. 1-3A, col. 4, line 5 – col. 6, line 62) comprising a first lighting means (green LED 312) inherently having a first warm-up period, a second lighting means (blue cold cathode fluorescent lamp 314, hereinafter CCFL 314) inherently having a warm-up period longer than the first warm-up period (of the green LED 312), a means (image sensor 304) for sensing light from the first and second lighting means (green LED 312 and CCFL 314, respectively) after interaction with an object (110), and means (inherent controller) for causing only the first lighting means (green LED 312) to emit light at the object in response to an input (monochrome reading mode input) (note col. 6, lines 60-62 for monochromatic reading mode).

Regarding claim 31, the input is a first input (monochrome mode, col. 6, lines 60-62). The means for causing (inherent controller) of Hu et al. further causes both the first and second lighting means (green LED 312 and CCFL 314, respectively) to emit light at the object in response to a second input (color reading mode input) (note col. 6, lines 18-59 for color reading mode).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 25, 26, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hu et al. (U.S. Patent No. 6,104,510) in view of well known art.

Regarding claim 25, Hu et al. discussed above for claim 24 does not disclose that the scanning device includes a copier. The scanning device (100) is a scanner. However, the examiner took Official Notice of the fact that copiers including a scanner for reading a document image and a printer to enable printing of the document image are well known in the art. One of ordinary skill in the art would have realized the benefit of having a copier instead of just a scanner. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the scanner with a copier having a scanner and a printer to enable printing of an image.

Regarding claim 26, Hu et al. discussed for claim 25 and claim 24 above does not disclose that the scanning device (scanner 100) is incorporated into a multifunction device including at least two of a copier function, a scanner function and a facsimile function. However, the examiner took Official Notice of the fact that such multifunction devices are well known in the art. One of ordinary skill in the art would have realized the advantage of incorporating the scanning device (scanner 100) of Hu et al. into such a multifunction device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the scanner (100) of Hu et al. into a multifunction device as claimed to provide multiple functions such as faxing, scanning, copying, etc.

For claims 32 and 33, see discussion for claim 26 above.

8. Claims 7-12, 18 and 19 are allowed.
9. Claims 14, 16, 27, 29, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. The following is an examiner's statement of reasons for allowance:

Claim 7 requires "scanning the document using the second light source while the first light source is being heated", "scanning the document using both the first light source and the second light source to shorten the exposure time of the photosensor when the first light source is heated" and "wherein a warm-up time period of the first light source is longer than a warm-up time period of the second light source". These limitations in combination with other limitations of claim 7 are not taught by the prior art of record, including Hu et al. (US 6,104,510).

Claims 8-12 depend on claim 7.

Claim 14 would be allowable because the inherent control pad or panel of Hu et al. (US 6,104,510) discussed for claim 13 does not have a combination of the control button and a start button having associated functions as claimed, respectively, such that when the start button is pressed, the controller turns on both the first and second light sources simultaneously and utilizes the first and second light sources to scan the document to shorten the scanning time period.

Claim 16 would be allowable because the second light source (green LED 312) (for monochrome reading mode) of Hu et al. (US 6,104,510) is not a white-light LED.

Claim 18 requires "performing a first scan of the document using the second light source while the first light source is being heated", "generating a first image according to the first scan", "displaying the first image", "following displaying of the first image, performing a second scan of the document using the first and second light sources",

“generating a second image according to the second scan, the second image having greater image quality than the first image”, and “wherein a warm-up time period of the first light source is longer than a warm-up time period of the second light source”. These steps in combination with other limitations of claim 18 are not taught by the prior art of record, including Hu et al. (US 6,104,510).

Claim 19 depends on claim 18.

Claims 27 and 29 would be allowable for the same reason given for claims 14 and 16, respectively.

Claim 34 would be allowable for the reason given for claim 16, for claiming a white-light LED as the first lighting means.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cheukfan Lee/
Primary Examiner, Art Unit 2625